

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE

CASE NO. 5:10-cv-02604 EJD

CELERA CORPORATION
SECURITIES LITIGATION

**ORDER RE: COMPLIANCE WITH CIVIL
LOCAL RULE 79-5**

[Docket Item No(s). 94]

Presently before the court is Plaintiff's administrative motion pursuant to Civil Local Rule 79-5(d) to file under seal portions of certain documents previously designated as confidential by Defendants or by third parties. See Docket Item No. 94.

Civil Local Rule 79-5(d) states:

If a party wishes to file a document that has been designated confidential by another party pursuant to a protective order, or if a party wishes to refer in a memorandum or other filing to information so designated by another party, the submitting party must file and serve an Administrative Motion for a sealing order and lodge the document, memorandum or other filing in accordance with this rule. If only a portion of the document, memorandum or other filing is sealable, the submitting party must also lodge with the Court a redacted version of the document, memorandum or other filing to be placed in the public record if the Court approves the requested sealing order. *Within 7 days thereafter, the designating party must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality.* If the designating party does not file its responsive declaration as required by this subsection, the document or proposed filing will be made part of the public record.

1 Plaintiff's administrative motion was filed on August 30, 2013. From that date, Defendants
2 or any other interested party should have filed a declaration pursuant to Civil Local Rule 79-5(d) on
3 or before September 6, 2013. To date no such declaration has been filed.

4 Accordingly, the court extends the deadline for Defendants or any other interested party to
5 file a declaration pursuant to Civil Local Rule 79-5(d) until **Friday, September 12, 2013, at 4:00**
6 **p.m.** Failure to file a compliant declaration by the extended deadline will result in an order denying
7 Plaintiff's administrative motion and directing Plaintiff to file the referenced documents as part of
8 the public record - even those previously designated as confidential.

9 Lead counsel for Plaintiff shall serve a copy of this order on any other interested party who
10 has previously made confidentiality designations that may be affected by a sealing order.

11 **IT IS SO ORDERED.**

12
13 Dated: September 10, 2013


EDWARD J. DAVILA
United States District Judge